



A BILL FOR AN ORDINANCE

RELATING TO THE LEASING OF PROPERTY ACQUIRED BY EMINENT DOMAIN PROCEEDINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to clarify when a lease for real property acquired by eminent domain proceedings may be renewed or extended for more than one year.

SECTION 2. Section 28-3.1, Revised Ordinances of Honolulu 1990, as amended is amended to read as follows:

"Sec. 28-3.1 Bidding not required—Leased or rental property—Conditions.

The director of budget and fiscal services may award contracts to lease or rent property on terms, conditions and rentals approved by the corporation counsel as to form and legality without calling for public bids, when:

- (1) Eminent Domain. Real property and/or improvements thereon have been acquired by the City and County of Honolulu by eminent domain proceedings, or by negotiated purchase or exchange[,] in lieu thereof, and where immediate use of the property acquired is not necessary. [Said] In that case, the property shall be rented on a month-to-month tenancy [which shall be revocable at the option of the city after the tenant has been given 30 days' written notice to vacate. The total tenancy under any such lease or rental agreement shall not exceed the period of one year from the effective date of such lease or rental agreement; provided, however, that with consent of the council, a renewal or extension of said tenancy beyond such period may be allowed.] for up to one year. Upon recommendation of the director, the council may, by resolution, annually approve successive continuations of a month-to-month tenancy, each for up to one year. If the director determines there to be extraordinary circumstances, the director may recommend, and the council may by adoption of a single resolution approve, a continuation of a month-to-month tenancy for up to four years. Each month-to-month tenancy approved pursuant to this paragraph shall be revocable at the option of the City upon 30 days' written notice to vacate. [The provisions of this paragraph shall not be construed as prohibiting] In lieu of obtaining council approval under the previous terms of this subdivision (1), the director [from leasing or renting] may lease or rent such property by public bidding [and] for a period in excess of one year, pursuant to the provisions of this chapter.



CITY COUNCIL

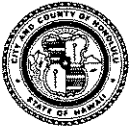
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- (2) Employee of the City and County of Honolulu or the State of Hawaii. Real property and improvements thereon are leased or rented to employees of the City and County of Honolulu or the state. Said property shall be leased or rented only under the following conditions:
 - (A) The party or parties to whom the property is leased or rented must be and continue to be an employee of the City and County of Honolulu or the state during the term of the demise; and
 - (B) The leasing or renting of the property to said employee must be related to the employee's employment.
- (3) Thirty-Day Period or Less. Real property and/or improvements thereon are leased for a period not to exceed 30 days. No extension of such lease shall be permitted without calling for public bids.
- (4) Tourist Activities Without Charge. Enterprises, shows or activities presented without charge primarily for the promotion of the tourist industry in and for the City and County of Honolulu regardless of which person, association or company sponsors such enterprise, show or activity; provided, however, that such lessee or tenant does not sell merchandise on the premises, directly or indirectly, or engage in any business promotions or advertising, whether oral, by printed matter, signs, displays or electronic devices.
- (5) Neal S. Blaisdell Center or the Waikiki Shell. The rental is for the use of facilities for the purpose of holding any event or attraction at the Neal S. Blaisdell Center or the Waikiki Shell in accordance with the provisions of Articles 6 through 9 of this chapter.
- (6) City and County Employee Organizations. Real property and/or office spaces that are leased or rented to any federal credit union of city and county employees or employees of city and county affiliate groups or organizations.
- (7) Eleemosynary Corporations. Real property and/or improvements thereon are leased or rented to any eleemosynary corporation, society or organization formed for the prevention of cruelty to animals, and which is authorized and empowered by law to seize and impound stray dogs running at large.
- (8) Government Employment Training Programs. Real property and/or improvements thereon are leased or rented to any nonprofit organization primarily engaged in



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employment training programs sponsored by the federal, state, or city and county government.

- (9) **Accessory Uses.** Real property is leased or rented to contractors who are awarded city construction contracts for use as a field office and storage of equipment and supplies. Rental shall be at the fair market rental and shall be limited to the duration of the construction contract only.
- (10) **Governmental Subdivisions.** Real property and improvements thereon are leased or rented for the use of any political or governmental subdivision of the federal, state or county governments.
- (11) **Private Developer.** Real property and improvements thereon are leased or rented to a private developer as described in Section 28-3.4.
- (12) **Housing and Human Services Providers.** Real property and/or improvements thereon are leased to a provider of housing and human services as prescribed in Section 28-3.5.
- (13) **Telecommunications Facilities.** City property is leased for use as telecommunications facilities under Article 12."

SECTION 3. Ordinance material to be repealed is bracketed; new material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, bracketed material, or the underscoring.



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SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Donovan Dela Cruz

DATE OF INTRODUCTION:

August 4, 2006
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2006.

MUFI HANNEMANN, Mayor
City and County of Honolulu

(OCS/101906/ct)